

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

**THIRTY-FOURTH DAY'S PROCEEDINGS**

**Thirtieth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, June 1, 2004

The Senate was called to order at 2:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

**ABSENT**

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

**Prayer**

The prayer was offered by Pastor Ronnie Cuvillier, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator B. Gautreaux, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the**

**Legislative Bureau**

June 1, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 114—**

BY REPRESENTATIVE ODINET

**AN ACT**

To amend and reenact R.S. 22:1404(3)(d)(iii), relative to automobile liability insurance rates; to provide for discounts; to provide for defensive driving; to provide for senior drivers; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 269—**

BY REPRESENTATIVE ERDEY

**AN ACT**

To amend and reenact R.S. 22:234(A)(introductory paragraph), 237(A)(introductory paragraph), (B), and (D), 238, and 240(B)(3), (D), and (F)(4) and to repeal R.S. 22:234(A)(11), relative to the Louisiana Health Plan; to provide relative to the board of directors of the plan, eligibility requirements, administration of the benefits plan of the plan, and benefit availability; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 271—**

BY REPRESENTATIVE ST. GERMAIN

**AN ACT**

To amend and reenact R.S. 33:4569.3(11), relative to the Iberville Parks and Recreation District; to increase the maximum rate of ad valorem tax which the district is authorized to levy; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 349—**

BY REPRESENTATIVES HEBERT, K. CARTER, ERDEY, FAUCHEUX, JACKSON, MORRISH, GARY SMITH, TOWNSEND, TUCKER, AND WALSWORTH

**AN ACT**

To amend and reenact R.S. 22:636.2(D), relative to property, casualty, and liability insurance; to provide for claims; to provide for homeowners' policies; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 352—**

BY REPRESENTATIVE K. CARTER

**AN ACT**

To amend and reenact R.S. 22:5(10) and 215(A)(1)(a)(iv) and (vi), relative to health insurance; to provide with respect to coverage provided through an employee benefit trust, a multiple benefit trust, or an association; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 360—**

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 40:1728.1, relative to the state uniform construction code; to provide for a fee schedule for enforcement of the code by the state fire marshal on behalf of political subdivisions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 419—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 4:144(B), relative to members of the State Racing Commission; to prohibit a horse owned directly or indirectly by a commission member from racing in Louisiana; to provide for consequences; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 643—**

BY REPRESENTATIVES HEBERT AND CROWE

AN ACT

To enact R.S. 22:14(E), relative to life insurance policies; to provide for a database; to provide for exceptions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 726—**

BY REPRESENTATIVE WALKER

AN ACT

To enact R.S. 40:2006(A)(2)(n), (o), and (p) and (B)(2)(f),(g), and (h), relative to the powers of the Department of Health and Hospitals; to provide for the ability to assess fees for psychiatric residential treatment facilities, children's respite care centers, and other licensed DHH facilities; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 742—**

BY REPRESENTATIVES CAZAYOUX AND DURAND

AN ACT

To amend and reenact R.S. 46:114.3(B), (C), and (D), relative to regional fraud detection units; to provide for subpoenas and subpoenas duces tecum; to include businesses and legal entities; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 744—**

BY REPRESENTATIVES LANCASTER, BROOME, HAMMETT, AND SALTER

AN ACT

To enact R.S. 44:22, relative to public records; to exempt certain records in the custody of the Department of Economic Development pertaining to negotiations relative to economic development activities from the laws relative to public records until negotiations are concluded; to provide for certain determinations by the secretary of the Department of Economic Development; to provide for notice; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 857—**

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 37:3447(A)(5), relative to vocational rehabilitation counselors; to provide for licensure requirements; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 897—**

BY REPRESENTATIVES PINAC AND WALSWORTH

AN ACT

To amend and reenact R.S. 51:911.22(1) and (10)(introductory paragraph), 51:911.24(C), and 911.26(I), and to enact R.S. 51:912.22(9), relative to manufactured housing; to provide for revisions to the Uniform Standards Code for Manufactured Housing; to provide for certain requirements for obtaining a developer's license; to provide for independence of the administrative agent appointed by the governor; to provide for certain marriage line requirements on multisectional manufactured homes; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 911—**

BY REPRESENTATIVES LANCASTER, FRITH, MARCHAND, MURRAY, PINAC, T. POWELL, RITCHIE, STRAIN, TRAHAN, TUCKER, AND WHITE

AN ACT

To amend and reenact Chapter 7 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:551 through 570.6, relative to foreign banks; to provide for functions and powers of such banks; to provide for certain prohibited activities; to provide for certain additional powers and functions of foreign banks in Louisiana; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1053—**

BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:39(D), relative to domestic insurers; to provide for securities; to provide for brokerage accounts; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1070—**

BY REPRESENTATIVE PINAC AND SENATORS HOLLIS AND MICHOT

AN ACT

To amend and reenact R.S. 37:3173(A)(3) and 3182 and to enact R.S. 37:3186, relative to interior designers; to provide for terms of office of the members of the board; to provide for an increase in fees; to prohibit certain acts; to provide penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1143—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 9:3515(A)(1)(a), relative to consumer loans; to provide for exemptions from prohibited acts at the locations where consumer loans are made; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1145—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 9:3515(A)(1)(a), relative to consumer loans; to provide for exemptions from prohibited acts at the locations where consumer loans are made; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1209—**

BY REPRESENTATIVE SHEPHERD

AN ACT

To amend and reenact R.S. 32:1254(N)(3)(f), relative to motor vehicle sales; to provide relative to spot delivery sales; to provide for immediate refund of prospective purchaser's deposit; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1284—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 32:1253(A)(introductory paragraph) and (2), relative to the Louisiana Motor Vehicle Commission; to correct reference to the number of board members; to delete special provision for broker member; to require one member to be primarily engaged in the business of lease or rental; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1361—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 22:3053(A)(2), to enact R.S. 22:3053.1, and to repeal R.S. 22:3059(A)(1), (2), and (3) and (C) and 3064, relative to the sale of insurance products; to provide for financial institutions; to provide for statements; to provide for marketing; to provide for records; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1408—**

BY REPRESENTATIVES DANIEL, KENNARD, BRUCE, CROWE, DOERGE, FRITH, MARCHAND, PINAC, T. POWELL, RITCHIE, GARY SMITH, TRAHAN, WALSWORTH, AND WHITE

AN ACT

To amend and reenact R.S. 4:420, 421(A)(2) through (9), 422, 423(B), (G)(3), (H), and (I), 424, 426, 432, and 433 and to enact R.S. 4:421(A)(10) through (14), 422.1(A)(5), 423(G)(4), 425(D), 427(A)(6) and (7) and (D), and 430(C), relative to athlete agents; to provide for legislative purpose; to provide for definitions; to provide for registration; to provide for denial or

revocation of registration; to provide for notice to head coach instead of president of institution; to provide for notice to athlete; to provide for contract relationship between athlete and institution or school; to provide for duties and obligations; to provide relative to contact with athletes; to provide for prohibited activities; to provide for recordkeeping; to provide for attorney athlete agents; to provide remedies and penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1420—**

BY REPRESENTATIVES PINAC, BRUCE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, T. POWELL, RITCHIE, WHITE, AND WINSTON

AN ACT

To enact R.S. 37:2156(C)(3), relative to contractors; to require the license renewal form to include a donation portion; to provide for collection and remittance of such donations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1450—**

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact R.S. 18:402(B), (E)(1)(b) and (2)(b), and (F)(2), 467(2), 469(D)(2), and 1272(A), relative to election dates; to provide for the dates of the congressional elections and other elections held at the same time as the congressional elections; to provide for qualifying periods for such elections; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1468—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact Part VI-F of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:250.51 through 250.62, relative to health insurance; to provide relative to prompt payment of health insurance claims submitted by pharmacies or pharmacists; to provide with respect to usage of nationally recognized benchmarks to calculate the reimbursement to be paid to pharmacies or pharmacists by health insurance issuers; to provide for definitions; to provide with respect to violations, cease and desist orders, and penalties; to provide for coordination of benefits; to provide for recoupment; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1487—**

BY REPRESENTATIVE MCDONALD

AN ACT

To enact R.S. 40:41(J), relative to death certificates; to require the state registrar of vital records to issue a copy of a death certificate to the Office of Student Financial Assistance, and the office of the attorney general, under certain circumstances; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1493—**

BY REPRESENTATIVE SMILEY

**AN ACT**

To amend and reenact R.S. 32:771(4) and 773.2(B) and to enact R.S. 32:773.2(G) and (H), relative to used motor vehicles and marine product dealers; to define "boat package"; to provide relative to area of responsibility; to provide for penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1574—**

BY REPRESENTATIVE FLAVIN

**AN ACT**

To enact R.S. 22:635.4, relative to homeowners insurance; to provide for conversion of policy forms; to provide for approval by the commissioner; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1692—**

BY REPRESENTATIVE DOWNS

**AN ACT**

To amend and reenact R.S. 22:613(C)(2) and to enact R.S. 22:613(C)(4) and (5), relative to insurable interest; to provide for the insurable interest of an employer in the life of an employee; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lentini, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Introduction of  
Senate Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

**SENATE CONCURRENT RESOLUTION NO. 133—**

BY SENATOR HINES

**A CONCURRENT RESOLUTION**

To proclaim June 3, 2004 as "Louisiana SenioL Day".

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Malone
Amedee	Ellington	Michot

Barham

Cain

Chaisson

Cheek

Dardenne

Duplessis

Total—23

Gautreaux, B

Gautreaux, N

Hollis

Irons

Kostelka

Lentini

**NAYS**

Total—0

**ABSENT**

Adley

Bajoie

Boasso

Boissiere

Cravins

Fields

Total—16

Fontenot

Hainkel

Heitmeier

Holden

Jackson

Jones

Marionneaux

McPherson

Nevers

Ullo

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 134—**

BY SENATOR MARIONNEAUX AND REPRESENTATIVES  
CAZAYOUX AND ST. GERMAIN

**A CONCURRENT RESOLUTION**

To urge and request the governor of the state of Louisiana to issue an executive order or proclamation declaring Pointe Coupee Parish and Iberville Parish as disaster areas.

The resolution was read by title. Senator Marionneaux moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President

Amedee

Barham

Boasso

Cain

Chaisson

Cheek

Dardenne

Duplessis

Total—26

Dupre

Ellington

Gautreaux, B

Gautreaux, N

Hollis

Irons

Kostelka

Lentini

Malone

**NAYS**

Total—0

**ABSENT**

Adley

Bajoie

Boissiere

Cravins

Fields

Total—13

Fontenot

Hainkel

Heitmeier

Holden

Jackson

Jones

McPherson

Nevers

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**House Concurrent Resolutions  
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 25—**

BY REPRESENTATIVE FAUCHEUX

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana High School Athletic Association to prepare warnings regarding dietary supplements containing ephedra for distribution at high schools in the state of Louisiana.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

**HOUSE CONCURRENT RESOLUTION NO. 79—**

BY REPRESENTATIVE DURAND

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Health Works Commission to convene a task force to study the status of salaries of postsecondary education faculty in nursing and allied health occupations, relative to corresponding salaries of other faculty, nurses, and allied health practitioners in the private sector and to submit a written report of its findings and recommendations to improve the level of faculty salaries for these individuals to the Louisiana Health Works Commission, the Louisiana Board of Regents, the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Education, and the Senate Committee on Education prior to the convening of the 2005 Regular Session.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

**HOUSE CONCURRENT RESOLUTION NO. 123—**

BY REPRESENTATIVE CAZAYOUX

**A CONCURRENT RESOLUTION**

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to distribute pertinent forms and information to activated military personnel regarding their motor vehicles, including affidavits of nonuse and surrender of license plates.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 132—**

BY REPRESENTATIVES HONEY AND QUEZAIRE

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to install a left turn lane on Louisiana Highway 19 at Cunard Avenue.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 145—**

BY REPRESENTATIVE HUTTER

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to maintain its timeline to complete the new Florida Avenue Bridge, which is part of the Transportation Infrastructure Model for Economic Development program, by 2010.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 160—**

BY REPRESENTATIVE BURRELL

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to enact federal legislation prohibiting the use of traffic signal preemption devices by the motoring public.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 166—**

BY REPRESENTATIVES WALKER, E. GUILLORY, MURRAY, AND ODINET

**A CONCURRENT RESOLUTION**

To create the Louisiana Commission on Employment of Mental Health Consumers to study and develop a plan to address barriers that prevent persons with mental illness from seeking, obtaining, and maintaining employment.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

**HOUSE CONCURRENT RESOLUTION NO. 172—**

BY REPRESENTATIVES JANE SMITH AND CAZAYOUX

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana School Boards Association, the Louisiana Association of School Superintendents, and the Louisiana Association of School Executives to make available without delay to each of their members copies of Opinion No. 03-0351 issued November 13, 2003, by the office of the state attorney general confirming the authority of local public school boards to adopt regulations concerning the possession by students of cellular telephones while students are in school, on school grounds, and in school buses, provided such regulations meet certain standards and guidelines, the letter requesting the opinion, and this Resolution.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

**HOUSE CONCURRENT RESOLUTION NO. 176—**

BY REPRESENTATIVE FRITH

**A CONCURRENT RESOLUTION**

To create a task force to explore the feasibility of, and model policies relative to, the development of a marine aquaculture industry in the Gulf of Mexico that utilizes offshore oil and gas platforms for culturing marine organisms.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 195—**  
BY REPRESENTATIVES STRAIN AND THOMPSON  
A CONCURRENT RESOLUTION

To memorialize congress to oppose the Australian Free Trade Agreement (AUSFTA) and other free trade agreements which are harmful to American dairy producers.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

**HOUSE CONCURRENT RESOLUTION NO. 201—**  
BY REPRESENTATIVE THOMPSON  
A CONCURRENT RESOLUTION

To urge and request retailers within the state of Louisiana to promote Louisiana dairy products and value-added products within the Louisiana dairy industry.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

**HOUSE CONCURRENT RESOLUTION NO. 228—**  
BY REPRESENTATIVES QUEZAIRE, HUNTER, AND PIERRE AND SENATOR CRAVINS  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate the section of Interstate 49 in St. Landry Parish between Sunset and Washington as the Charles I. "Doc" Hudson Highway.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 231—**  
BY REPRESENTATIVES LAMBERT, QUEZAIRE, AND SMILEY AND SENATOR AMEDEE  
A CONCURRENT RESOLUTION

To commend the Dutchtown High School Baseball Team for winning the Class 4A State Baseball Championship.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hollis	Nevers
Cain	Irons	Romero
Chaisson	Jackson	Schedler
Cheek	Kostelka	Smith
Dardenne	Lentini	Theunissen

Duplessis  
Total—30

Malone  
Ullo

**NAYS**

Total—0

**ABSENT**

Bajoie  
Boissiere  
Cravins  
Total—9

Fields  
Fontenot  
Hainkel

Heitmeier  
Holden  
Jones

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 232—**  
BY REPRESENTATIVE DORSEY  
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Johnnie Mae Williams.

The resolution was read by title. Senator Dardenne moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hollis	Nevers
Cain	Irons	Romero
Chaisson	Jackson	Schedler
Cheek	Kostelka	Smith
Dardenne	Lentini	Theunissen

Duplessis  
Total—30

Malone  
Ullo

**NAYS**

Total—0

**ABSENT**

Bajoie  
Boissiere  
Cravins  
Total—9

Fields  
Fontenot  
Hainkel

Heitmeier  
Holden  
Jones

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 233—**  
BY REPRESENTATIVE SMILEY  
A CONCURRENT RESOLUTION

To commend Lawrence Callender upon his receipt of the 2004 Louisiana Emergency Preparedness Association (LEPA) Award.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Ellington	Michot
Adley	Gautreaux, B	Mount
Amedee	Gautreaux, N	Nevers
Barham	Hollis	Romero
Boasso	Irons	Schedler
Cain	Kostelka	Smith
Chaisson	Lentini	Theunissen
Cheek	Malone	Ullo
Duplessis	Marionneaux	
Dupre	McPherson	

Total—28

#### NAYS

Total—0

#### ABSENT

Bajoie	Fields	Holden
Boissiere	Fontenot	Jackson
Cravins	Hainkel	Jones
Dardenne	Heitmeier	

Total—11

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### HOUSE CONCURRENT RESOLUTION NO. 234—

BY REPRESENTATIVE DORSEY

#### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Katherine Hall.

The resolution was read by title. Senator Dardenne moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hollis	Romero
Cain	Irons	Schedler
Chaisson	Kostelka	Smith
Cheek	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	

Total—29

#### NAYS

Total—0

#### ABSENT

Bajoie	Fontenot	Jackson
Boissiere	Hainkel	Jones
Cravins	Heitmeier	
Fields	Holden	

Total—10

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### Reports of Committees

The following reports of committees were received and read:

### REPORT OF COMMITTEE ON

### JUDICIARY C

Senator Chaisson, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

June 1, 2004

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

### HOUSE CONCURRENT RESOLUTION NO. 90—

BY REPRESENTATIVE TOWNSEND

#### A CONCURRENT RESOLUTION

To urge and request the Louisiana Supreme Court to study and make recommendations for a uniform and streamlined procedure for expungement of criminal records.

Reported favorably.

### HOUSE BILL NO. 188—

BY REPRESENTATIVE RICHMOND

#### AN ACT

To enact R.S. 14:97.2, relative to obstructing highways of commerce; to create the crime of unlawful sale, purchase, possession, or use of traffic signal preemption devices; to provide for criminal penalties; to provide for definitions; to provide for exceptions; and to provide for related matters.

Reported favorably.

### HOUSE BILL NO. 230—

BY REPRESENTATIVE PIERRE

#### AN ACT

To enact R.S. 15:144(E), relative to judicial district indigent defender boards; to provide for autonomy and independence of indigent defender boards and appointed counsel; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 362—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To enact Code of Criminal Procedure Article 345(H), relative to the surrender of defendants into custody; to provide that officers charged with defendant's detention provide surety with receipt for fees collected in connection with the surrender of the defendant; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 542—**  
BY REPRESENTATIVE LAFLEUR  
AN ACT

To amend and reenact Code of Criminal Procedure Article 611, relative to venue; to provide for venue of certain murder cases in the parish where the body of the victim was found; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 580—**  
BY REPRESENTATIVE DORSEY  
AN ACT

To enact R.S. 46:2525.1, relative to violence against women; to create the Louisiana Task Force on Violent Crime Against Women; to provide for the membership and the duties of that task force; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 586—**  
BY REPRESENTATIVE ROMERO  
AN ACT

To amend and reenact R.S. 14:32.1(B), relative to vehicular homicide; to increase the maximum criminal penalties for the crime of vehicular homicide; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 587—**  
BY REPRESENTATIVE ROMERO  
AN ACT

To enact R.S. 15:499(C), relative to evidence from criminalistics laboratories; to provide relative to electronic signatures on certificates of analysis; to provide for definitions; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 690—**  
BY REPRESENTATIVE BADON  
AN ACT

To enact R.S. 14:95.1.1, relative to offenses affecting the public safety; to create the crime of illegally supplying a felon with a firearm; to provide for penalties; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 738—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To enact Code of Criminal Procedure Article 775.1, relative to mistrials; to provide for an automatic twenty-four-hour stay of proceedings following declaration of a mistrial; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 784—**  
BY REPRESENTATIVE M. POWELL  
AN ACT

To amend and reenact R.S. 15:1356(E) and to enact R.S. 15:1352(A)(16) and (17), relative to the Louisiana Racketeering Act; to add the offenses of money laundering and pandering to the definition of racketeering activity; to amend the heading of Chapter 11 of Title 15 of the Louisiana Revised Statutes of 1950; to delete reference to "drug" in racketeering statute; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 918—**  
BY REPRESENTATIVE BALDONE  
AN ACT

To enact Code of Criminal Procedure Article 336.2, relative to operating a vehicle while intoxicated; to require an ignition interlock device as a condition of release on bail for certain persons arrested for certain alcohol-related driving offenses; to provide for procedures; to provide for waiver of this requirement by courts in certain circumstances; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1225—**  
BY REPRESENTATIVE M. POWELL  
AN ACT

To amend and reenact R.S. 14:123(C)(4), relative to the crime of perjury; to clarify the penalty provisions for that crime; to provide that the penalty provisions for perjury committed "in all other cases" applies to perjury when committed in any civil action, or in any administrative proceeding, or in any legislative hearing or proceeding, or in any other legal proceeding; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1413—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 16:51(A)(1), (2), (4), (7), (16), (17), (19), (22), (23), (24), (26), (32), (36), and (41), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; to provide for effectiveness; and to provide for related matters.

Reported favorably.



**HOUSE BILL NO. 1445—**

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 40:2616(A)(1), relative to forfeited property; to authorize the sale of forfeited property by a licensed auctioneer; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1458—**

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact Code of Criminal Procedure Article 930.8(C), relative to the prescriptive period for post-conviction relief; to provide for notice to the defendant of the prescriptive period for post-conviction relief; to provide for waiver of rights; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1568—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 13:996.22.1, relative to judicial expense funds of district courts; to increase the amounts allocated to the funds from the disposition of certain criminal cases; to provide for applicability to judicial district courts with a territorial jurisdiction that is coterminous with any parish with a population of between thirty-nine thousand and forty thousand five hundred; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1710 (Substitute to House Bill No. 901**

**by Representative Baldone)—**

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 15:306(B), relative to conditions of probation; to provide with respect to proof of installation of ignition interlock devices when imposed as a condition of probation; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1712 (Substitute for House Bill No. 917**

**by Representative Baldone)—**

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 32:415(B) and 415.1(A)(1)(introductory paragraph), relative to operating a vehicle with a suspended, revoked, or canceled license; to require courts to order certain licensees to install ignition interlock devices; to provide for the period of time in which the ignition interlock device shall remain on the vehicle; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JOEL T. CHAISSON, II  
Chairman

REPORT OF COMMITTEE ON

FINANCE

Senator Heitmeier, Chairman on behalf of the Committee on Finance, submitted the following report:

May 30, 2004

To the President and Members of the Senate:

I am directed by your Committee on Finance to submit the following report:

**SENATE BILL NO. 32—**

BY SENATOR FIELDS

AN ACT

To enact R.S. 23:643, relative to payment of employees; to provide with respect to the establishment of a state minimum wage; to provide for an increase in state minimum wage when the federal minimum wage is increased; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
FRANCIS C. HEITMEIER  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 29—**

BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 32:190(A)(1) and (2) and 408(C)(1), relative to motorcycles; to require any person under the age of twenty-one years who operates or rides upon a motorcycle, motor driven cycle, or motorized bicycle to wear a safety helmet; to provide for mandatory training; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Original Senate Bill No. 29 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 32:190(A)" and before the comma "," insert "(1) and (2) and 408(C)(1)"

AMENDMENT NO. 2

On page 1, at the end of line 2, after "person" and before "who" insert "under the age of twenty-one years"

AMENDMENT NO. 3

On page 1, line 4, after "helmet;" insert "to provide for mandatory training;"

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### AMENDMENT NO. 4

On page 1, line 6, after "R.S. 32:190(A)" change "is" to "(1) and (2) and 408(C)(1) are"

### AMENDMENT NO. 5

On page 1, line 8, after "A." delete "(1) No person under the age of eighteen years" and insert "(1) No person under the age of eighteen ~~eighteen~~ twenty-one years"

### AMENDMENT NO. 6

On page 1, delete lines 15 through 17 in their entirety and insert the following:

"(2) Any person ~~eighteen~~ twenty-one years of age or older who chooses not to wear a helmet as provided for in Paragraph A(1) shall be covered by a health insurance policy with medical benefits of at least ten thousand dollars for bodily injuries and shall furnish proof of such policy to any law enforcement officer upon the request of such officer."

### AMENDMENT NO. 7

On page 2, delete lines 1 through 7 in their entirety

### AMENDMENT NO. 8

On page 2, after line 8, insert the following:

"§408. Examination of applicants required; classes of licenses  
\* \* \*

C.(1)(a) Motorcycles, motor driven cycles, and motorized bicycles shall not be given a separate class, as such, but their use shall be provided for by making an endorsement on one of the basic classes outlined in this Section. Such an endorsement shall be made only after the applicant has taken and successfully passed tests specifically designed for the operation of such vehicles. ~~No operator's skill test shall be required if an applicant has~~ Any person applying for a motorcycle or "M" endorsement shall be required to successfully complete the Motorcycle Safety, Awareness, and Operator Training Program provided in R.S. 17:282 or an established motorcycle operator training course offered by a manufacturer or dealer of motorcycles.

(b) Effective January 1, 2005, the office of motor vehicles of the Department of Public Safety and Corrections shall issue a sticker for the motorcycle or "M" endorsement to be displayed in the lower left corner of the motorcycle license plate. The endorsement sticker shall bear a capital "M".  
\* \* \*

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### SENATE BILL NO. 519—

BY SENATOR ELLINGTON

#### AN ACT

To amend and reenact R.S. 48:274.1(A), relative to highways; to provide relative to logo signs on interstate highways and other certain highways; to authorize the department to contract with a qualified third party for the placement and maintenance of logo signs; to provide relative to the contract and accounting of revenues between the parties; to provide for the establishment of an advisory committee; to provide relative to fees for certain logo signs; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Original Senate Bill No. 519 by Senator Ellington

### AMENDMENT NO. 1

On page 1, line 6, after "parties;" insert "to provide for the establishment of an advisory committee;"

### AMENDMENT NO. 2

On page 2, at the beginning of line 10, after "(2)" insert "(a)"

### AMENDMENT NO. 3

On page 2, line 14, change "R.S. 48:285 et seq." to "R.S. 39:1554(B)."

### AMENDMENT NO. 4

On page 2, line 18, after "months." insert "The qualified third party shall pay to the department one hundred fifty thousand dollars per year or ten percent of the gross revenue of the logo signing program, whichever is greater, for use of rights-of-way."

### AMENDMENT NO. 5

On page 2, line 19, change "ten" to "five"

### AMENDMENT NO. 6

On page 2, line 20, change "two" to "four"

### AMENDMENT NO. 7

On page 2, between lines 20 and 21, insert as follows: "(b) If the department contracts with a qualified third party according to the provisions of this Paragraph, an advisory committee shall be formed to monitor and make recommendations to the qualified third party regarding the placement, erection, and maintenance of specific information logo signs and supports within interstate and other fully controlled access highway rights-of-way. The advisory committee shall be composed of the chief executive officers, or their designees, of the following: Louisiana Restaurant Association, Louisiana Hotel and Lodging Association, Louisiana Travel Promotion Association, and the Louisiana Oil Marketers and Convenience Store Association."

### AMENDMENT NO. 8

On page 2, line 23, after "hundred" insert "seventy-five"

### AMENDMENT NO. 9

On page 2, line 25, after "hundred" insert "seventy-five"

### AMENDMENT NO. 10

On page 2, line 26, after "hundred" insert "seventy-five"

### AMENDMENT NO. 11

On page 2, line 27, change "three hundred fifty" to "four hundred twenty-five"

### AMENDMENT NO. 12

On page 2, line 28, after "hundred" insert "seventy-five"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### Senate Bills and Joint Resolutions on Second Reading

The following Senate Bills and Joint Resolutions were taken up and acted upon as follows:

#### SENATE BILL NO. 875 (Substitute for Senate Bill No. 336 by Senator McPherson)— BY SENATOR MCPHERSON

##### AN ACT

To amend and reenact R.S. 17: 403(C), R.S. 36:258(E)(1), and R.S. 46:2503(A) and to enact Chapter 50-A of Title 37 of Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3386 through 3390.5, and to repeal R.S. 36:259(E)(19), R.S. 46:2503(E), and Chapter 50 of Title 37 of Louisiana Revised Statutes of 1950, comprised of R.S. 37:3371 through 3384, relative to addictive disorder professionals; to provide for definitions; to provide for categories of addictive disorder professionals; to provide for powers and duties of the Department of Health and Hospitals, office for addictive disorders; to provide for licensure, certification, and registration of addictive disorder counselors and professionals; to authorize the department to impose application fees; to provide with respect to penalties; to provide for an effective date; and to provide for related matters.

On motion of Senator McPherson, the bill was read by title and ordered engrossed and passed to a third reading.

#### SENATE BILL NO. 876 (Substitute for Senate Bill No. 857 by Senator Ullo)— BY SENATOR ULLO

##### AN ACT

To amend and reenact R.S. 40:1662.3(6), (7), (12), (14), (15), (17), (24), (26), (27), and (28), 1662.4(A)(3) and (4), (B), the introductory paragraph of (C), (C)(1), (3), (4), (6), and (7), 1662.6.(A)(3), (B)(6)(a) and (b) and (9), (C)(5) and (6)(a) and (b), and (9), 1662.7(A), (B), (C), (D)(2), (E), and (F), 1662.8(A), (B)(2)(g) and (h), (3)(a) and (b), and (4), 1662.9(A)(3), (5) and (11), (C), (D)(1) and (3), and (E), 1662.11(A)(2), 1662.12(A)(2) and (5), 1662.14(A)(2), (3)(b), and (5), (C)(2), (3), (5), and (6), and 1662.15(B)(2), and to enact R.S. 40:1662.3(29), 1662.8(B)(2)(i), (j) and (k), 1662.9(A)(12), (13) and (14), 1662.14(C)(7), and 1662.16(D), relative to public health and safety; to provide for alarm industry and locksmith licensing standards; and to provide for related matters.

On motion of Senator Hollis, the bill was read by title and ordered engrossed and passed to a third reading.

### House Bills and Joint Resolutions on Second Reading Reported by Committees

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

#### HOUSE BILL NO. 6—

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 17:85.5, relative to naming a gymnasium; to authorize the parish school board in certain parishes to name a gymnasium in honor of a former school board member; to provide limitations; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 32—

BY REPRESENTATIVES MARTINY, BALDONE, AND BRUNEAU  
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(xii), to provide relative to Tuition Opportunity Program for Students high school core curriculum requirements for certain awards; to provide for applicability; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Education.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Engrossed House Bill No. 32 by Representative Martiny

#### AMENDMENT NO. 1

On page 1, line 2, after "(xii)" insert "and to enact R.S. 17:3048.1(A)(1)(e)(xiii)"

#### AMENDMENT NO. 2

On page 1, line 7, after "reenacted" insert "and R.S. 17:3048.1(A)(1)(e)(xiii) is hereby enacted"

#### AMENDMENT NO. 3

On page 2, line 21, after "(xii)" and before "Computer" delete "(aa) Through the 2006-2007 school year,"

#### AMENDMENT NO. 4

On page 2, at the beginning of line 26, change "(bb)" to "(xiii)"

#### AMENDMENT NO. 5

On page 2, line 27, after "thereafter," delete the remainder of the line and delete lines 28 and 29 in their entirety and on page 3, at the beginning of line 1, delete "Elementary and Secondary Education; or substitute"

#### AMENDMENT NO. 6

On page 3, line 1, after "one" delete the remainder of the line and at the beginning of line 2 delete "electives" and insert in lieu thereof "unit as an elective"

#### AMENDMENT NO. 7

On page 3, line 2, after "other" and before "subjects" insert "math or science"

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 50—**BY REPRESENTATIVE CROWE  
AN ACT

To provide relative to speed limits; to require the Department of Transportation and Development to make a final decision regarding the maximum speed limit along certain interstate highways; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 63—**BY REPRESENTATIVES ERDEY AND SMILEY  
AN ACT

To enact R.S. 33:2711.20, relative to municipal sales and use taxes; to authorize the governing authority of the town of Springfield to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 102—**BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 33:1448.1, relative to the payment of group insurance premiums for retired sheriffs and deputy sheriffs in Bossier Parish; to create a permanent fund; to require the depositing of certain monies into the fund; to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 106—**BY REPRESENTATIVE FARRAR  
AN ACT

To amend and reenact R.S. 34:851.31(A)(1) and to enact R.S. 34:851.27(C), relative to speed limits on waterways; to establish "no-wake" zones around public boat launches and public and commercial docking facilities; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 117—**BY REPRESENTATIVE JACK SMITH  
AN ACT

To amend and reenact R.S. 56:8(28.1) and 320(B)(3), relative to crab traps; to provide that only crab traps located south of the northern bank of the Intracoastal Waterway must be marked with floats; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 175—**BY REPRESENTATIVE HAMMETT  
AN ACT

To enact R.S. 33:2711.20, relative to the town of Lake Providence; to authorize the governing authority of the town to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 177—**BY REPRESENTATIVES MONTGOMERY AND JANE SMITH  
AN ACT

To enact R.S. 17:2138(C), to provide for the applicability of certain requirements for admission to Louisiana public colleges and universities, including minimum scores on specified tests; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 201—**BY REPRESENTATIVES DARTEZ AND ST. GERMAIN  
AN ACT

To amend and reenact R.S. 56:305(B)(4)(f) and 322.2(G), relative to use of shad gill nets; to authorize such use in certain waterbodies; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 201 by Representative Dartez

**AMENDMENT NO. 1**

On page 1, line 2, delete "and 322.2(G)," and insert "322.2(D)(1) and (G)."

**AMENDMENT NO. 2**

On page 1, line 5, delete "and 322.2(G)," and insert "322.2(D)(1) and (G)."

**AMENDMENT NO. 3**

On page 1, after line 19, insert "D.(1) The closed season for commercially harvesting shad and skipjack as provided for in this Section shall include the months of July, August, September, and October of each year. ~~There~~ Except in Lake Palourde and Lake Verret, there shall be no commercial taking of shad or skipjack pursuant to the provisions of this Section during the period after sunset and before sunrise nor on any Saturday or Sunday. In Lake

Palourde and Lake Verret, shad and skipjack may be taken after sunset and before sunrise during open season.

\* \* \*

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 246—**

BY REPRESENTATIVES DANIEL, JACKSON, DORSEY, AND SCALISE

AN ACT

To enact R.S. 47:463.126 and 463.127, relative to motor vehicles; to provide relative to license plates; to create the Louisiana State University National Champions and the Southern University Black College National Champions prestige license plates; to provide for the issuance of such plates; to provide for the design and color of such plates; to provide relative to the fees for such plates, including a royalty fee for the use of the organizational design and logo on such plates; to designate the use of such royalty fees; to authorize the promulgation of rules and regulations; to require a contract relative to royalty fees; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 251—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 33:4574.13(A) and (C)(1)(e), relative to the Madison Parish Tourism Commission; to authorize the commission to levy a hotel occupancy tax without voter approval; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 270—**

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(3), relative to the Lafourche Parish Tourist Commission; to provide relative to the hotel occupancy tax levied by the commission; to provide relative to the definition of the term "hotel" as it applies in Lafourche Parish; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 415—**

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 56:305.6, relative to moratoriums on the purchase of crab trap gear licenses; to institute a moratorium

from January 1, 2005 through December 31, 2005; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 415 by Representative Jack Smith

AMENDMENT NO. 1

On page 1, line 3, delete "from January 1, 2005 through December 31," and insert "for commercial license year 2005"

AMENDMENT NO. 2

On page 1, line 4, delete "2005"

AMENDMENT NO. 3

On page 1, delete lines 8 through 11

AMENDMENT NO. 4

On page 1, delete line 12, and insert "For commercial license year 2005, no person shall be"

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 417—**

BY REPRESENTATIVE RICHMOND

AN ACT

To enact R.S. 33:9078, relative to the Kenilworth Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 417 by Representative Richmond

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 33:9076 and to"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" and before "to create" delete "the Kenilworth Improvement District;" and insert "improvement districts in parishes with a population in excess of four hundred seventy-five thousand persons;"

AMENDMENT NO. 3

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On page 1, line 3, after "with respect to" and before "including" delete "such district," and insert in lieu thereof "the Kenilworth Improvement District,"

## AMENDMENT NO. 4

On page 1, line 5, after "thereof;" and before "and to" insert "to provide relative to the renewal of parcel fees in improvement districts in parishes with a population in excess of four hundred seventy-five thousand persons;"

## AMENDMENT NO. 5

On page 1, line 11, after "Section 1." and before "R.S." insert "R.S. 33:9076 is hereby amended and reenacted and"

## AMENDMENT NO. 6

On page 1, between lines 11 and 12, insert:

"§9076. Certain improvement districts

A. Notwithstanding any provision of law to the contrary, the governing authority in any parish with a population in excess of four hundred seventy-five thousand persons or more according to the latest federal decennial census may continue to levy and collect any tax or fee levied to support an improvement district within such parish created to promote and encourage the beautification, security, and betterment of any subdivision located within the district. The continuation of such levy shall be contingent on the approval of a majority of the registered voters of the district at an election called pursuant to the Louisiana Election Code. B. Notwithstanding any provision of law to the contrary, any election to authorize renewal of a fee pursuant to this Section or any Section in this Subpart which is held during calendar year 2004, 2005, or 2006 shall be held at the same time as a regularly scheduled election held in accordance with the Louisiana Election Code and at such election such fee may be renewed for a period not to extend beyond December 31, 2010; however, any election to authorize a subsequent renewal of a fee renewed as provided in this Subsection shall be held only at the same time as the mayoral primary election of the largest city in the parish and such renewal shall be for a period not to exceed eight years.

\* \* \*

On motion of Senator Fields, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

## **HOUSE BILL NO. 486—**

BY REPRESENTATIVE MCDONALD

AN ACT

To amend and reenact R.S. 17:3098(B)(2) and to repeal R.S. 17:3095(A)(1)(c), relative to the Louisiana Tuition Trust Authority; to provide for the payment of refunds upon termination of an education savings account; to repeal the requirement that education savings accounts shall be invested in either fixed earnings or variable earnings, but not both; to provide for an effective date; and to provide for related matters

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

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## **HOUSE BILL NO. 691—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 23:215(A), (B), and (D) and to enact R.S. 23:215(E) and (F), relative to the employment of minors; to provide work hours for minors; to provide for written parental consent; to define "school day"; to provide for minors with equivalency diplomas; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

## **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Labor and Industrial Relations to Reengrossed House Bill No. 691 by Representative Johns

## AMENDMENT NO. 1

On page 1, lines 10 and 16 change "sixteen" to "seventeen"

## AMENDMENT NO. 2

On page 1, line 13, delete "between the hours of 10:00 p.m." and insert in lieu thereof: "after the hour of 10:30 p.m." and at the beginning of line 14, delete "and 1:30 a.m."

## AMENDMENT NO. 3

On page 1, line 17, change "1:30 a.m." to "10:30 p.m."

On motion of Senator Barham, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

## **HOUSE BILL NO. 789—**

BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 32:387(J)(1), relative to special permits; to provide relative to special container permits issued by the Department of Transportation and Development; to provide relative to certain requirements for issuance of such permits; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

## **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 789 by Representative Futrell

## AMENDMENT NO. 1

On page 2, line 11, after "effect." delete the remainder of the line and delete lines 12 through 16, and insert: "Any vehicle hauling containerized prepackaged products must provide proof of international trade. Any fine or penalty assessed against a vehicle hauling containerized prepackaged products for failing to provide adequate proof to a Department of Transportation and Development weight enforcement officer that the cargo originated from or is destined to an intermodal facility shall be waived by the department

upon submission to the department of satisfactory proof that the cargo originated from or was destined to an intermodal facility."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 821—

BY REPRESENTATIVE HUNTER  
AN ACT

To amend and reenact R.S. 23:1163(B) and to enact R.S. 23:1163(D), relative to workers' compensation; to provide for civil penalties against employers; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 849—

BY REPRESENTATIVE FARRAR  
AN ACT

To enact R.S. 56:109.1, relative to wildlife management areas; to provide for the use of all-terrain vehicle trails in such areas year round; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 849 by Representative Farrar

##### AMENDMENT NO. 1

On page 1, line 3, delete "such" and insert "certain"

##### AMENDMENT NO. 2

On page 1, line 7, after "each" insert "department-owned"

##### AMENDMENT NO. 3

On page 1, line 10, after "hazard" and before the period, insert "or environmental condition"

##### AMENDMENT NO. 4

On page 1, line 11, after "bicycles" and before the period, insert ", under rules and regulations promulgated under the Administrative Procedure Act"

##### AMENDMENT NO. 5

On page 1, line 14, change "one" to "two"

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 899—

BY REPRESENTATIVE GALLOT  
AN ACT

To amend and reenact R.S. 17:3390(B)(introductory paragraph), (2), and (3) and (D), relative to nonprofit corporations which support public higher education institutions; to provide that the definition of a nonprofit corporation that is not public or quasi public includes certain nonprofit corporations whose primary purpose is to finance the design, construction, renovation, or equipping of facilities; to provide relative to auditing of such nonprofit corporations; and to provide for related matters.

Reported with amendments by the Committee on Education.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Engrossed House Bill No. 899 by Representative Gallot

##### AMENDMENT NO. 1

On page 1, line 7, after "corporations;" insert "to provide certain authority to the legislative auditor with regard to certain of such corporations;"

##### AMENDMENT NO. 2

On page 2, line 12, after "D." insert "(1)"

##### AMENDMENT NO. 3

On page 2, between lines 20 and 21, insert the following: "(2) With regard to an audit received by the legislative auditor from any nonprofit corporation the primary purpose of which is to design, construct, renovate, or equip a facility to be leased to a public institution of higher learning which is under the management of the Board of Supervisors of Community and Technical Colleges, the legislative auditor may recommend to the Legislative Audit Advisory Council that a audit be conducted by the legislative auditor pursuant to and in the manner provided in R.S. 24:513. Upon such recommendation, the Legislative Audit Advisory Council may direct that such an audit be conducted."

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 904—

BY REPRESENTATIVES HAMMETT AND FUTRELL  
AN ACT

To enact R.S. 47:463.2.1 and 463.126, relative to motor vehicle license plates; to provide for creation of a NASCAR special prestige license plate; to provide relative to the design and color of such plate; to authorize the commissioner of motor vehicles to enter into an agreement with the supplier of such plate; to provide relative to the fees for such plate; to authorize promulgation of rules and regulations; to require issuance of plates established for veterans and military personnel; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 904 by Representative Hammett

**AMENDMENT NO. 1**

On page 1, delete lines 4 and 5, and insert "and color of such plate; to provide relative to the fees for such"

**AMENDMENT NO. 2**

On page 2, delete lines 23 through 27, and insert in lieu thereof "applicants for such plate. The license plate shall be restricted to"

**AMENDMENT NO. 3**

On page 3, line 5, after "supplier" delete the remainder of the line and delete line 6

**AMENDMENT NO. 4**

On page 3, line 9, after "Section" insert a period "." and delete the remainder of the line and delete lines 10 and 11 in their entirety

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 907—**

BY REPRESENTATIVE HUNTER  
AN ACT

To amend and reenact R.S. 23:1034.2(C), relative to workers' compensation medical reimbursement schedule; to allow the director to collect charge information; to provide for guidelines; to provide for confidentiality; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 948—**

BY REPRESENTATIVE T. POWELL  
AN ACT

To amend and reenact R.S. 33:1704.2(C), relative to the marshal of the city of Hammond; to authorize the marshal to use fees of office to defray operational expenses of his office; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 952—**

BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 46:1053(K)(2), relative to Hospital Service District No. 1 of the parish of Vermilion; to increase the maximum per diem authorized to be paid to members of the board of commissioners of the district; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 955—**

BY REPRESENTATIVES DURAND, DARTEZ, FRITH, ROMERO,  
AND JACK SMITH AND SENATORS HINES AND ROMERO  
AN ACT

To amend and reenact R.S. 40:2267.4 and to enact R.S. 40:2267, relative to the Acadiana Criminalistics Laboratory District; to create the district as a taxing district for the purposes of funding the criminalistics laboratory within the district; to provide for the governing body and boundaries of the district; to provide for the power to levy and collect taxes subject to approval of the voters of the district; to provide for additional powers of the Acadiana Criminalistics Laboratory Commission; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 967—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To enact R.S. 33:9038.25, relative to the city of Lake Charles; to authorize the governing authority of the city to create a special taxing district; to provide relative to the purpose and boundaries of the district; to provide relative to the governance, powers, and duties of the district; to provide relative to taxes authorized to be levied by the district; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 968—**

BY REPRESENTATIVE FANNIN  
AN ACT

To enact Chapter 25-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1215.1 through 1215.6, relative to museum boards; to authorize the governing authority of the parish of Jackson to create a museum board; to provide relative to the purpose, membership, and powers of the board; to provide relative to board funding; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 991—**

BY REPRESENTATIVE FUTRELL  
AN ACT

To enact R.S. 32:414.2(A)(9), relative to commercial driver's licenses; to provide relative to operating records of commercial drivers; to require certain violations and judgments be included on a commercial motor vehicle driver's operating record; to provide



relative to the definition of "conviction"; to provide relative to certain notice requirements; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 991 by Representative Futrell

##### AMENDMENT NO. 1

On page 2, delete lines 12 through 15 and insert as follows:

"(b) By January 1, 2005, the Department of Public Safety and Corrections shall develop a system that allows a motor carrier to elect to receive electronic notification when a driver operating under its authority is cited for a moving violation on a Department of Public Safety and Corrections motor carrier safety inspection report attributed to the motor carrier's USDOT Number and/or ICC Number. This notification shall occur as soon as possible after the report has been entered into the appropriate Department of Public Safety and Corrections database but not less than sixty days after the issuance of the citation."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

##### HOUSE BILL NO. 1023—

BY REPRESENTATIVE QUEZAIRE  
AN ACT

To amend and reenact R.S. 32:420, relative to driver's license requirements; to provide for certain exemptions; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

##### HOUSE BILL NO. 1119—

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 33:2551.1, relative to the municipal fire and police civil service; to provide with respect to promotional employment lists of certain municipal fire and police civil service boards; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

##### HOUSE BILL NO. 1134—

BY REPRESENTATIVES JACKSON AND THOMPSON  
AN ACT

To enact R.S. 33:9033.4, to provide with respect to tax increment financing within the parish of East Baton Rouge; to authorize the parish to issue revenue bonds payable from sales tax increments; to authorize the parish to issue revenue bonds

payable from ad valorem tax increments; to authorize the parish to designate sales tax areas; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Reengrossed House Bill No. 1134 by Representative Jackson

##### AMENDMENT NO. 1

On page 7, between lines 24 and 25 insert the following:

"P. Notwithstanding the other provisions of this Section or any other provision of law to the contrary, the governing authority of East Baton Rouge Parish shall not move any zoo from the site on which it is located on the effective date of this Section to create an economic development district, until the current site has a suitable replacement for use of the property, as determined by the governing authority of the parish."

On motion of Senator Fields the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Finance.

##### HOUSE BILL NO. 1146—

BY REPRESENTATIVES LAFLEUR AND HUDSON  
AN ACT

To amend and reenact R.S. 34:1451(A)(1)(a), (b), and (c), relative to the Greater Krotz Springs Port Commission; to provide with respect to the residency requirements of certain members of the Greater Krotz Springs Port Commission; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

##### HOUSE BILL NO. 1150—

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact Paragraph 21(k) of Article XIV, Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the Louisiana Constitution of 1974, and R.S. 33:2491.3, relative to the municipal fire and police civil service; to provide with respect to promotional employment lists of municipal fire and police civil service boards; to provide an exception to Article XIV, Section 15.1, Paragraph 21 of the Louisiana Constitution of 1921, made statutory by the provisions of Article X, Section 18 of the Louisiana Constitution of 1974; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1239—**

BY REPRESENTATIVE DOWNS

AN ACT

To enact Subpart B-34 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.621.1, to create the Union Parish Railroad District; to provide relative to the purpose and boundaries of the district; to provide relative to the governance, powers, and duties of the district; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1292—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 32:771(1) and (15), relative to motorcycles and all-terrain vehicles; to revise the definition of all-terrain vehicle; to provide that the term "motorcycle" shall not include electric-powered scooters; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1292 by Representative Pinac

**AMENDMENT NO. 1**

On page 1, line 2, after "(15)," insert "and to enact R.S. 32:300.2,"

**AMENDMENT NO. 2**

On page 1, line 4, after "scooters;" insert "to provide relative to electric personal assistive mobility devices; to provide relative to the operation of such devices;"

**AMENDMENT NO. 3**

On page 1, line 7, after "reenacted" insert "and R.S. 32:300.2 is hereby enacted"

**AMENDMENT NO. 4**

On page 1, between lines 8 and 9, insert as follows:

"§300.2. Electric personal assistive mobility devices; operation: exceptions

A. Electric personal assistive mobility devices shall be authorized to operate on sidewalks, bicycle paths, and highways with posted speed limits of thirty-five miles per hour or less, except that any parish or municipal governing authority may limit or prohibit the operation of such devices on any sidewalk, bicycle path or highway under its jurisdiction.

B. For purposes of this Section, the term "electric personal assistive mobility device" shall mean a self-balancing two, non-tandem wheeled device designed to transport only one person at a time, with an electric propulsion system which limits the maximum speed of the device to not more than fifteen miles per hour. An electric personal assistive mobility device shall not be considered a motor scooter, an electric scooter, a vehicle, or a motor vehicle.

\* \* \*

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1313—**

BY REPRESENTATIVE MCDONALD

AN ACT

To enact R.S.33:9033.4, relative to special districts; to create the City of Bastrop Special District; to provide for the powers and duties of the district, including the power to engage in tax increment financing; to provide for the governance of the district; to provide for the boundaries of the district; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1319—**

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 56:6(30), relative to private ownership of certain animals; to authorize the secretary to promulgate rules and regulations to prohibit exotic big cats such as tigers, lions, leopards, and jaguars from being imported or privately owned; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 1319 by Representative Triche

**AMENDMENT NO. 1**

On page 1, line 3, after "regulations to" and before "prohibit" insert "control and"

**AMENDMENT NO. 2**

On page 1, line 16, after "Center" insert ", Chimp Haven of Caddo Parish,"

**AMENDMENT NO. 3**

On page 1, delete lines 20 and 21 and insert "(b) Shall promulgate rules and regulations to (1) control the importation and private ownership of big exotic cats acquired prior to the effective date of this Paragraph, and (2) prohibit the importation and private ownership, except as provided in subparagraph (1), of big exotic cats on and after the effective date of this Paragraph. For the purposes of this Paragraph, "big exotic cats" include, but are not limited to, tigers, lions"

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1329—**

BY REPRESENTATIVES THOMPSON AND HAMMETT  
AN ACT

To enact Subpart F-1 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:140.71 through 140.79, relative to railroads; to authorize two or more parishes to create a railroad development district; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1354—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 32:773.1(A)(2)(o), 773.2(B) and (F)(1), and 775(A)(7)(introductory paragraph), (8), and (9) and (B) and to enact R.S. 32:775(A)(10), relative to used motor vehicle dealers and marine dealers; to provide relative to certain area of responsibility provisions; to provide for certain penalties for marine dealers; to provide for the commencement period for certain penalties; to provide relative to licensing procedures; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 1354 by Representative Pinac

**AMENDMENT NO. 1**

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 32:771(2)(b) and (4), 773.1(A)(2)(c) and (o), 773.2(A)(1), (B), (F)(1) and (5)(introductory paragraph), and"

**AMENDMENT NO. 2**

On page 1, line 4, delete "32:775(A)(10)" and insert "32:773.1(C), 773.2(G) and (H), and 775(A)(10)"

**AMENDMENT NO. 3**

On page 1, line 7, after "procedures;" insert "to provide for definitions; to provide for unlawful acts; to provide for marine dealer/manufacturer/distributor agreements; to provide for voluntary termination of a marine dealers business; to provide for procedures regarding disputes between marine dealers and marine manufacturers and distributors;"

**AMENDMENT NO. 4**

On page 1, line 9, after "Section 1." delete the remainder of the line and insert "R.S. 32:771(2)(b) and (4), 773.1(A)(2)(c) and (o), 773.2(A)(1), (B), (F)(1) and (5)(introductory paragraph), and 775(A)(7)(introductory"

**AMENDMENT NO. 5**

On page 1, at the end of line 10, delete "R.S. 32:775(A)(10)" and insert "R.S. 32:773.1(C), 773.2(G) and (H), and 775(A)(10)"

**AMENDMENT NO. 6**

On page 1, line 11, change "is" to "are"

**AMENDMENT NO. 7**

On page 1, between lines 11 and 12 insert as follows:

"§771. Definitions

As used in this Chapter:

\* \* \*

(2)(a)

\* \* \*

(b) A marine dealer's area of responsibility shall mean ~~both of the following:~~

~~(i) The area within not less than a fifteen-mile radius of the location of his dealership if such dealership is located within a trade area, as defined by the commission, containing a population of five hundred thousand persons or more.~~

~~(ii) The area within not less than a thirty-mile radius of the location of his dealership if such dealership is located within a trade area, as defined by the commission, containing a population of less than five hundred thousand persons.~~ the marine dealer's area of principal sales and service responsibility as specified by the contract, franchise, or selling agreement in effect with the manufacturer or distributor. The marine manufacturer or distributor shall designate and provide to the commission in writing the marine dealer's area of responsibility when the contract is granted or, should there be contracts in existence on August 15, 2004 without such designation, the commission shall require the manufacturer or distributor to designate the area of responsibility. The manufacturer or distributor shall adopt uniform procedures to establish the community or territory that is assigned to a marine dealer. The uniform procedures shall include market research information from identified credible industry sources that project product sales of the brand of marine product for which the contract or franchise agreement is granted. In the absence of such designation by the manufacturer or distributor, or in the event that the area of responsibility designated by the manufacturer or distributor is rejected by the commission, and such decision by the commission is affirmed on appeal, the marine dealer's area of responsibility shall mean either of the following:

(i) The area within a fifteen-mile radius of the dealership if the dealership is located in a parish containing a population of four hundred thousand persons or more.

(ii) The area within a thirty-mile radius of the dealership if the dealership is located in a parish containing a population of less than four hundred thousand persons.

\* \* \*

(4) "Boat package" means a component of a marine product that is equipped with an outboard or inboard/outboard motor attached thereto. The term shall also include a boat that is equipped with an outboard or inboard/outboard motor sold therewith for use thereon. boat that is equipped from its manufacturer or distributor with an inboard, outboard, or inboard/outboard motor or engine attached thereto, installed thereon, or shipped and/or invoiced together as a package. For the purposes of this Chapter, the boat package brand shall be determined by the brand of the boat.

\* \* \*

**AMENDMENT NO. 8**

On page 1, between lines 16 and 17, insert as follows:

"\* \* \*

(c) To unfairly, without due regard to the equities in favor of any such dealer and without just provocation, cancel any franchise, selling, or other contractual arrangement with any motorcycle,

all-terrain vehicle, trailer, motor home, recreational vehicle, travel trailer, or marine dealer without just cause and without ninety days notice prior thereto, unless such cancellation arises out of financial default of the dealer or fraudulent activity of the dealer principal which results in the conviction of a crime punishable by imprisonment. The nonrenewal of a franchise, selling, or other agreement with such dealer or his successor without just provocation or cause, and without ninety days prior notice, or the refusal to approve a qualified transferee or qualified successor to the rights of the dealer-operator as provided for in the franchise, selling, or other contractual agreement shall be deemed an evasion of this Paragraph and shall constitute an unfair cancellation, notwithstanding any contrary terms or provisions of such franchise, selling, or other contractual agreement. Any such prohibited cancellation, nonrenewal, or refusal to approve the transfer successor or qualified transferee of such agreements without any just provocation or cause shall further constitute a violation of the Unfair Trade Practices and Consumer Protection Law. However, the successor or transferee to the marine dealer's rights in the franchise, selling, or other contractual agreement shall meet the criteria generally applied by the manufacturer or distributor in approving new marine dealers and agrees to be bound by all the terms and conditions of the standard franchise, selling, or other agreement.

**AMENDMENT NO. 9**

On page 1, after line 22, insert as follows:

"C. Notwithstanding any other provision of law to the contrary, a successor and/or transferee to a marine dealer franchise or selling agreement shall apply to the manufacturer, distributor, wholesaler, distributor branch, or factory brand for approval to become the holder of a marine franchise or selling agreement. The applicant shall meet all reasonable requirements of the manufacturer, distributor, wholesaler, distributor branch, or factory branch, for approval. The failure to meet the reasonable requirements within sixty days after notice to the proposed successor or transferee shall be just cause to deny the application."

**AMENDMENT NO. 10**

On page 2, between lines 4 and 5, insert as follows:

"A.(1) In the event that a dealer ceases to engage in the business of being a motorcycle, all-terrain vehicle, trailer, motor home, recreational vehicle, travel trailer, or marine dealer, or ceases to sell a particular make of motorcycle, all-terrain vehicle, trailer, motor home, recreational vehicle, travel trailer, or marine product, and after notice thereof to the manufacturer or distributor by registered or certified mail return receipt requested within thirty days thereafter, the manufacturer or distributor, at a minimum, shall repurchase all new and unused motorcycles, all-terrain vehicles, trailers, motor homes, recreational vehicles, travel trailers, or marine products of the current and immediate prior model year and all parts on hand that are currently listed in the manufacturer's price book that have not been damaged or substantially altered to the prejudice of the manufacturer while in the possession of the dealer and all required demonstrators. However, whenever the marine dealer gives notice of termination of the contract, franchise, or selling agreement, the manufacturer or distributor shall have the right to appoint an Independent Marine Surveyor to inspect the marine dealer's inventory to determine whether or not the inventory has been substantially altered or damaged to the prejudice of the manufacturer, through neglect or otherwise, while in the possession of the marine dealer and shall determine a fair diminution of value caused by such alteration,

damage, or neglect. If the Independent Marine Surveyor finds that the inventory of marine products has been so altered, damaged, or neglected, the value assessment of the inventory of marine products established by him shall be considered by the commission in determining the market value of the inventory."

**AMENDMENT NO. 11**

On page 2, between lines 20 and 21, insert as follows:

"(5) Whenever the commission receives an objection pursuant to the provisions of Paragraph (2) of this Subsection, or whenever the commission receives an objection pursuant to the assignment of the marine dealer's area of principal sales and service responsibility, the commission shall consider the following and may consider any other relevant factors in determining whether there is good cause to approve or reject the assignment of the marine dealer's area of principal sales and service responsibility, or to issue a license:

\* \* \*

G. With regard to disputes between the marine dealers and marine manufacturers and distributors, or for any violations of R.S. 32:773.1(A)(2)(n) and (o), the name brand of the boat determines whether a dealer may enter into a franchise or selling agreement for a particular boat package or boat package line. The marine motor, marine engine, boat trailer, or any accessory made a part of a boat package shall not be the subject of, or a consideration in, an area of responsibility dispute for violation involving the boat package.

H. A manufacturer or distributor of a marine motor or marine engine may, in their discretion, enter into a warranty service agreement with a marine dealer of a boat package that is packaged with its particular brand marine motor or engine without violating the area of responsibility of any other marine dealer that has a franchise or selling agreement of that brand marine motor or engine. Provided however, the warranty service agreement shall not be construed to permit the marine dealer to sell the marine motor or engine separate from the boat package, and the marine dealer shall not hold itself out to be a full-line and/or loose marine motor or engine dealership.

\* \* \*

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1356—**

BY REPRESENTATIVE SHEPHERD

AN ACT

To enact R.S. 23:1205(C), relative to workers' compensation; to require health care benefits providers to pay medical expenses under certain circumstances; to provide for penalties and attorney fees; to provide for the recovery of paid medical expenses; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1374—**

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact R.S. 56:303(F), relative to commercial fishing; to provide for a senior commercial fishing license for persons sixty-five and older; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 1374 by Representative Jack Smith

##### AMENDMENT NO. 1

On page 1, line 3, change "sixty-five" to "seventy"

##### AMENDMENT NO. 2

On page 1, line 8, change "sixty-five" to "seventy"

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1378—

BY REPRESENTATIVE PINAC

##### AN ACT

To amend and reenact R.S. 32:756(B), 771(22)(a)(i), 772(A)(1), 774(G)(1), and 780(B) and R.S. 36:4.1(D)(14) and to enact R.S. 32:771(22)(b)(vi) and 774.1, relative to used motor vehicle dealers; to provide for expiration of license of automotive dismantler and parts recycler; to provide for auctioning of used cars; to rename the Louisiana Used Motor Vehicle and Parts Commission to the Recreational and Used Motor Vehicle Commission; to provide relative to certain license fees; to create the rent with option-to-purchase program; to provide relative to certain penalties; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1378 by Representative Pinac

##### AMENDMENT NO. 1

On page 1, delete line 2, and insert:

"To amend and reenact R.S. 32:756(A) and (B), 771(6) and (22)(a)(i), 772(A)(1), 773(B), 774(G)(1), 776(E), and 780(B) and"

##### AMENDMENT NO. 2

On page 1, delete line 11, and insert:

"Section 1. R.S. 32:756(A) and (B), 771(6) and (22)(a)(i), 772(A)(1), 773(B), 774(G)(1), 776(E), and 780(B) are"

##### AMENDMENT NO. 3

On page 1, delete lines 15 through 19, and insert:

"A. All bonds and licenses issued under the provisions of this Chapter shall expire on ~~the first anniversary of the date of issue~~ December thirty-first of each year and shall be nontransferable.

B. All applications for renewal of licenses hereunder shall be submitted on or before sixty days prior to ~~the date on which the existing license will expire~~ December thirty-first of each year. If application has not been made for renewal of licenses, such licenses

shall expire ~~one year from the date issued~~ on December thirty-first of the following year and it shall be"

##### AMENDMENT NO. 4

On page 2, between lines 5 and 6, insert:

"\* \* \*

(6) "Commission" means the Louisiana Recreational and Used Motor Vehicle ~~and Parts~~ Commission, or its designee."

##### AMENDMENT NO. 5

On page 3, between lines 8 and 9, insert:

"§773. Dealers, manufacturers, and distributors to be licensed; exception

\* \* \*

B. Any motor vehicle dealer, not licensed under the provisions of Chapter 6 of Title 32, who rents on a daily basis, motor vehicles not of the current year or immediate prior year models, that have been titled previously to an ultimate purchaser, shall be subject to the regulation of the Louisiana Recreational and Used Motor Vehicle ~~and Parts~~ Commission.

\* \* \*

##### AMENDMENT NO. 6

On page 7, between lines 18 and 19, insert:

"§776. Denial, suspension, or revocation of license; violations; procedure

\* \* \*

E. When a licensee is found in violation of any provision of R.S. 32:751 through 780, relative to the Louisiana Recreational and Used Motor Vehicle ~~and Parts~~ Commission, the licensee shall attend a four-hour educational seminar. The licensee who is found in violation of any provision of R. S. 32:751 through 780 shall complete the four-hour educational seminar within three months of the date the hearing decision becomes final.

\* \* \*

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1456—

BY REPRESENTATIVES PIERRE, DANIEL, FRITH, MORRISH, AND JACK SMITH

##### AN ACT

To amend and reenact R.S. 56:109(D)(5) and 647.1 and to enact R.S. 56:104(D) and 302.2(C), relative to hunting and fishing licenses; to authorize exemptions from certain licensing requirements; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1467—

BY REPRESENTATIVE PIERRE

##### AN ACT

To amend and reenact R.S. 56:25 and to repeal R.S. 56:26, 644, and 645, relative to fish and wildlife restoration and management projects; to specify that the department will adhere to the provisions of federal law which govern the use of federal funds

for fish and wildlife habitat restoration projects; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 1467 by Representative Pierre

**AMENDMENT NO. 1**

On page 2, delete line 8, and insert "administration of the divisions of fish and game"

**AMENDMENT NO. 2**

On page 2, line 9, delete "Fisheries"

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1469—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 32:402.1(A)(2)(g), relative to drivers' licenses; to authorize an increase in the fee charged for a prelicensing training course; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1475—**

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 38:2242(A), relative to the Public Works Act; to provide for the definition of "claimant"; to include person to whom money is due for movables leased or rented to contractors and subcontractors; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1516—**

BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 56:499(D), relative to shrimp nets; to provide for the relative location of stationary shrimp nets; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1531—**

BY REPRESENTATIVE M. GUILLORY

AN ACT

To amend and reenact R.S. 32:381(A), relative to the height of vehicles; to increase the maximum allowable height of vehicles; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1531 by Representative M. Guillory

**AMENDMENT NO. 1**

On page 1, line 3, after "vehicles" insert "on interstate highways"

**AMENDMENT NO. 2**

On page 1, delete line 7, and insert in lieu thereof the following:

"A.(1) The height of any vehicle and its load shall not exceed thirteen feet, six inches, except the height on any vehicle which operates on the interstate highway system shall not exceed"

**AMENDMENT NO. 3**

On page 1, between lines 8 and 9, insert as follows:

"(2) The operator of a vehicle that is higher than thirteen feet six inches shall ensure that the vehicle will pass through each vertical clearance of a structure in its path without touching the structure.

(3) Any damage to a bridge, underpass, or similar structure caused by the height of a vehicle shall be the responsibility of the owner of the vehicle."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1555—**

BY REPRESENTATIVE WALSWORTH

AN ACT

To authorize and provide for the transfer of certain state property in Ouachita Parish to the governing authority of Ouachita Parish; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 1555 by Representative Walsworth

**AMENDMENT NO. 1**

On page 1, line 3, delete "governing authority of Ouachita Parish;" and insert "Veterans Affairs Office of the State of Louisiana;"

**AMENDMENT NO. 2**

On page 1, line 8, delete "governing authority of Ouachita Parish;" and insert "Veterans Affairs Office of the State of Louisiana."

AMENDMENT NO. 3

On page 1, line 9, delete "assisting" and delete line 10, and insert "the establishment of a national cemetery in Ouachita Parish."

AMENDMENT NO. 4

On page 1, line 16, delete "governing authority of Ouachita Parish;" and insert "Veterans Affairs Office of the State of Louisiana."

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1560—**

BY REPRESENTATIVE CROWE

AN ACT

To authorize and provide for the transfer of certain state property in St. Tammany Parish to the St. Tammany Parish School Board; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 1560 by Representative Crowe

AMENDMENT NO. 1

On page 2, at the end of line 19, insert "The state shall receive compensation of equal or greater value in exchange for the transfer of property."

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1583—**

BY REPRESENTATIVE GRAY

AN ACT

To enact R.S. 40:506(D), relative to termination of tenancy by local housing authorities; to prohibit a local housing authority from terminating the tenancy of a household or a resident or terminating any other assistance provided by the authority under certain circumstances; to provide relative to guests and invitees; to provide relative to definitions; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1590—**

BY REPRESENTATIVE QUEZAIRE

AN ACT

To amend and reenact R.S. 38:2212(A)(3)(g), relative to public contracts; to provide relative to contracts for construction management; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1593—**

BY REPRESENTATIVE KENNARD

AN ACT

To amend and reenact R.S. 32:1728.2, relative to disposal of motor vehicles; to provide relative to the definition of junk vehicles; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1593 by Representative Kennard

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 32:1728.2" insert "(C)(2)"

AMENDMENT NO. 2

On page 1, line 5, after "R.S. 32:1728.2" insert "(C)(2)"

AMENDMENT NO. 3

On page 1, between lines 7 and 8, insert as follows:

"C. As used in this Section:

\* \* \*

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1594—**

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 48:231, relative to the state highway system; to provide relative to public hearings in each highway district; to require the Joint Highway Priority Construction Committee to conduct such hearings; to provide relative to the membership of such committee; to provide relative to the presiding officer of such committee; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1594 by Representative Pitre

AMENDMENT NO. 1

On page 2, line 5, after "B." insert "(1)"

AMENDMENT NO. 2

On page 2, after line 12, insert:

"(2) No action shall be taken by such joint committee except by the favorable vote of a majority of the members thereof from each house present and voting, each house voting separately, a quorum of the joint committee being present."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1621—**  
BY REPRESENTATIVE ODINET  
AN ACT

To enact R.S. 56:123, relative to killing animals; to prohibit killing zoo or circus animals for sport; to provide for violations; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 1621 by Representative Odinet

### AMENDMENT NO. 1

On page 1, line 2, change "56:123" to "14:102.19"

### AMENDMENT NO. 2

On page 1, line 5, change "56:123" to "14:102.19"

### AMENDMENT NO. 3

On page 1, line 6, change "123" to "102.19"

### AMENDMENT NO. 4

On page 1, line 17, delete "A violation of" and insert "Whoever violates"

### AMENDMENT NO. 5

On page 1, line 18, after "shall" delete the remainder of the line and insert "be fined not more than five hundred dollars or imprisoned for not more than six months, or both."

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1637—**  
BY REPRESENTATIVES STRAIN AND SMILEY  
AN ACT

To enact R.S. 32:774.1, relative to used motor vehicles; to prohibit the sale of used motor vehicles by certain unlicensed dealers; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1660—**

BY REPRESENTATIVES BROOME, JACKSON, AND DANIEL  
AN ACT

To amend and reenact the heading of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 and R.S. 33:9038.1(3), relative to cooperative economic development and tax increment financing; to change population restrictions in the definition of a local governmental subdivision to which certain provisions are applicable; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Reengrossed House Bill No. 1660 by Representative Broome

### AMENDMENT NO. 1

On page 1, line 3, after "33:9038.1(3)" and before the comma "," insert "and to enact R.S. 33:9038.25"

### AMENDMENT NO. 2

On page 1, line 6, after "applicable;" and before "and to provide" insert "to provide conditions on the use of certain lands for economic development purposes;"

### AMENDMENT NO. 3

On page 1, line 9, after "reenacted" and before "to read" insert "and R.S. 33:9038.25 is hereby enacted"

### AMENDMENT NO. 4

On page 1, delete lines 17 through 21 and insert the following:

"(3) "Local governmental subdivision" means ~~any~~ any municipality or parish ~~with a population of not more than two hundred thousand according to the latest federal decennial census,~~ or any municipality, parish, local industrial board, or local public trust authorized pursuant to R.S. 33:9038.3(N) or R.S. 33:9038.4(N) having jurisdiction over the geographical area bounded by the Mississippi River, the Orleans/Jefferson parish line and the Orleans/Plaquemines parish line; but the provisions of this Part shall not apply to any of the financing of construction, renovations, or improvements of any convention center, hotel complex, and ancillary facilities within any municipality having a population in excess of one hundred ninety thousand persons but not more than two hundred five thousand persons according to the latest federal decennial census.

\* \* \*

### AMENDMENT NO. 5

On page 2, delete lines 1 through 4 and insert the following:

"§9038.25. Conditions on use of certain lands for economic development

Notwithstanding any other provision of law to the contrary, no parish with a population in excess of four hundred thousand persons but not more than four hundred thirty thousand persons according to the latest federal decennial census or any municipality within such a parish shall move a zoo from the site on which it is located on the effective date of this Section to create an economic development district, until the current site has a suitable replacement for use of the property, as determined by the governing authority of the parish."



On motion of Senator Fields, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

### Rules Suspended

Senator Fields asked for and obtained a suspension of the rules for the purpose of taking up at this time.

### Senate Bills and Joint Resolutions on Second Reading Reported by Committees

Senator Fields asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

#### SENATE BILL NO. 32— BY SENATOR FIELDS

##### AN ACT

To enact R.S. 23:643, relative to payment of employees; to provide with respect to the establishment of a state minimum wage; to provide for an increase in state minimum wage when the federal minimum wage is increased; and to provide for related matters.

Reported with amendments by the Committee on Finance.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 32 by Senator Fields

#### AMENDMENT NO. 1

On page 1, line 4, between "increased;" and "and" insert "to provide for exclusions;"

#### AMENDMENT NO. 2

On page 2, after line 1, insert the following:

"C. The provisions of this Section shall not apply to student employees as defined in State Civil Service Rule 1.5.1, and employees of state colleges and universities."

On motion of Senator Heitmeier, the committee amendment was adopted. The amended bill was read by title and ordered reengrossed and passed to a third reading.

### Motion to Make Special Order

Senator Fields asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 32, which was just advanced to a third reading and final passage, Special Order of the Day No. 1 on Thursday, June 3, 2004 immediately following the Morning Hour.

### Motion to Recommit

Senator Ellington asked for and obtained a suspension of the rules and recommit House Concurrent Resolution No. 157 from the Committee on Transportation, Highways, and Public Works to the Committee on Judiciary C.

### Reconsideration

On motion of Senator Marionneaux, pursuant to the previous notice given, the vote by which the following bill failed to pass on Thursday, May 27, 2004 was reconsidered.

#### SENATE BILL NO. 833—

BY SENATOR MARIONNEAUX

##### AN ACT

To enact Code of Civil Procedure Art. 2124(F), relative to civil procedure; to provide relative to the appellate procedure; to require the imposition of a security bond in any appeal proceeding; to provide for the amount of such bond; to require the loss of bond if appeal is unsuccessful; and to provide for related matters.

On motion of Senator Marionneaux, the bill was read by title and returned to the Calendar, subject to call.

### Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

#### SENATE BILL NO. 768—

BY SENATOR HOLLIS

##### AN ACT

To enact R.S. 6:966.1, relative to additional default remedies; to provide for a notice of repossession; to provide for contents; to provide for fees; and to provide for related matters.

On motion of Senator Hollis, the bill was read by title and returned to the Calendar, subject to call.

### Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

#### SENATE CONCURRENT RESOLUTION NO. 107—

BY SENATOR BOASSO

##### A CONCURRENT RESOLUTION

To create the Joint Legislative Commission on Saltwater Fisheries and the Ad Hoc Saltwater Fisheries Advisory Board to study and make recommendations to the legislature on a revision of the state's saltwater fisheries laws and regulations as they pertain to commercial and recreational fishing.

On motion of Senator Malone, the resolution was read by title and returned to the Calendar, subject to call.

**Senate Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**SENATE BILL NO. 593—**

BY SENATORS B. GAUTREAUX, AMEDEE, DUPLESSIS, HOLLIS, MICHOT AND SMITH

**AN ACT**

To enact Subpart A-1 of Part X of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.1 through 3397.6, relative to economic development; to authorize and provide for the establishment, management, operation, functions, and activities of regional research and development parks; and to provide for related matters.

**Floor Amendments Sent Up**

Senator B. Gautreaux sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator B. Gautreaux to Engrossed Senate Bill No. 593 by Senator B. Gautreaux

**AMENDMENT NO. 1**

On page 1, at the end of line 16, add "to retain and enhance existing businesses and industries and to recruit new businesses and industries"

**AMENDMENT NO. 2**

On page 2, delete lines 19 through 24, and insert the following:

"(1) To promote the use of technology in existing businesses and industries and the development of high technology businesses and industries in the region and the state.

(2) To increase opportunities for employment in the region and the state, by promoting training in technology for the existing labor force, and assisting in the recruitment of labor, particularly former Louisiana residents, for high technology businesses and industries.

(3) To promote research and development in a region of the state and the application of such research and development in the region and throughout the state.

(4) To promote, create, develop, and strengthen cooperation between the public and the private sector with respect to research and development, including the development of business incubators and technology transfer."

**AMENDMENT NO. 3**

On page 2, line 28, between "employment," and "and" insert "to advance the use of technology in existing businesses and industries," and on line 29, between "technology" and "industries" insert "businesses and"

**AMENDMENT NO. 4**

On page 3, between lines 3 and 4, insert the following:

"(9) To promote the diversification of the economy of the region and the state to include technology and knowledge-based businesses and industries."

**AMENDMENT NO. 5**

On page 3, delete lines 26 through 29 and on page 4, delete line 1, and insert the following:

"(6) To attract investments in research and development and high technology businesses and industries by conducting and focusing attention on various educational, cultural, scientific, and economic activities in the region and the state, assisting potential investors with information requested to determine whether to invest in the region or in the state, and promoting technology transfer."

**AMENDMENT NO. 6**

On page 4, line 7, between "region" and the period "." insert ", including the regionalization of emergency response systems"

**AMENDMENT NO. 7**

On page 4, between lines 13 and 14, insert the following:

"(12) To conduct activities that retain and enhance existing businesses and industries in the region and the state through research and development and that diversify the economy to include technology and knowledge-based businesses and industries.

(13) To promote and conduct activities to train the existing labor force in technology and to recruit labor from other states, particularly former Louisiana residents, for high technology businesses and industries.

(14) To conduct activities for any purpose or pursuant to any other authorization set forth in this Subpart which capitalize on the state's assets, including its natural resources and its people; maximize the benefits of the state's resources by promoting value-added products and a qualified labor force; matches the competencies of the labor force with the market demands; and promotes the coordination of information between employers, potential employees, and sources of employee training and recruitment to match employer needs and employee skills."

On motion of Senator B. Gautreaux, the amendments were adopted.

The bill was read by title. Senator B. Gautreaux moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Malone
Amedee	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Cain	Hainkel	Mount
Chaisson	Hollis	Nevers
Cravins	Irons	Romero
Dardenne	Jackson	Schedler
Duplessis	Jones	Smith
Dupre	Kostelka	Theunissen
Ellington	Lentini	Ullo

Total—33

NAYS

Total—0

ABSENT

Adley	Boissiere	Heitmeier
Bajoie	Cheek	Holden
Total—6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 731—**

BY SENATORS CAIN AND CRAVINS  
AN ACT

To enact Chapter 9 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:3201 through 3205, relative to automobile insurance fraud prevention; to establish the Louisiana Automobile Theft and Insurance Fraud Prevention Authority in the Department of Insurance; to provide for the authority's duties, purposes, board of directors, staff, plan of operations, and funding; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 731 by Senator Cain

**AMENDMENT NO. 1**

On page 5, line 6, following "shall" and before "by" change "only be administered" to "be administered only"

**AMENDMENT NO. 2**

On page 5, line 13, following "limited" and before "to" delete ", "

**AMENDMENT NO. 3**

On page 5, line 26, at the beginning of the line, change "D." to "C."

**AMENDMENT NO. 4**

On page 5, line 27, following "shall" and before "to" change "only be used" to "be used only"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Cain moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson

Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cravins	Irons	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Ellington	Lentini	
Fields	Malone	
Total—34		

NAYS

Total—0

ABSENT

Adley	Boissiere	Holden
Bajoie	Cheek	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Dupre asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Concurrent Resolutions  
to be Adopted, Subject to Call**

The following Senate Concurrent Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

**Called from the Calendar**

Senator Dupre asked that Senate Concurrent Resolution No. 105 be called from the Calendar at this time.

**SENATE CONCURRENT RESOLUTION NO. 105—**

BY SENATOR DUPRE

**A CONCURRENT RESOLUTION**

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees ("BCCM"), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM Tribes" and the Points-au-Chien Indian Tribe ("PACIT")

On motion of Senator Dupre, the resolution was read by title and ordered engrossed and passed to a third reading.

**Called from the Calendar**

Senator Malone asked that Senate Concurrent Resolution No. 107 be called from the Calendar at this time.

**SENATE CONCURRENT RESOLUTION NO. 107—**  
BY SENATOR BOASSO

**A CONCURRENT RESOLUTION**

To create the Joint Legislative Commission on Saltwater Fisheries and the Ad Hoc Saltwater Fisheries Advisory Board to study and make recommendations to the legislature on a revision of the state's saltwater fisheries laws and regulations as they pertain to commercial and recreational fishing.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Original Senate Concurrent Resolution No. 107 by Senator Boasso

**AMENDMENT NO. 1**

On page 1, line 16, after "Fisheries," delete the remainder of the line, and delete line 17 in its entirety, and insert: "consisting of the chairman and vice-chairman of the Senate and House Natural Resources Committees; five members of the Senate appointed by the Senate president from each of the state's Public Service Commission districts, and five members of the House of Representatives appointed by the speaker of the House of Representatives from each of the state's Public Service Commission districts,"

**AMENDMENT NO. 2**

On page 2, delete line 1 in its entirety and insert: "to study and make recommendations on the"

**AMENDMENT NO. 3**

On page 2, at the end of line 3, insert: "No senator shall be from the same parish as another senator, and no representative shall be from the same parish as another representative."

**AMENDMENT NO. 4**

On page 2, line 19, after "director;" insert: "members of the Louisiana Wildlife Federation appointed by its executive director;"

**AMENDMENT NO. 5**

On page 2, line 21, after "representative of", insert: "each of the"

**AMENDMENT NO. 6**

On page 2, line 28, after "Fisherman's Association;" insert: "the Louisiana Charter Boat Association; a representative of the Menhaden Advisory Council for the Gulf of Mexico appointed by its executive director; a representative of the Louisiana Seafood Management Council appointed by the president or his designee;"

On motion of Senator Malone, the committee amendment was adopted. The amended resolution was read by title and ordered engrossed and passed to a third reading.

**House Concurrent Resolutions  
on Second Reading  
Reported by Committees**

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 183—**  
BY REPRESENTATIVE WINSTON

**A CONCURRENT RESOLUTION**

To request the Department of Transportation and Development to study and reevaluate the necessity of installing a traffic signal at the intersection of Louisiana Highway 1077 and Louisiana Highway 1085 in St. Tammany Parish and to report such findings to the House and Senate Transportation, Highways and Public Works Committees within sixty days.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

The resolution was read by title. Senator Hainkel moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—37		

**NAYS**

Total—0

**ABSENT**

Bajoie	Boissiere
Total—2	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 184—**  
BY REPRESENTATIVE DOVE

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study the feasibility of four-laning Louisiana Highway 311 in Terrebonne Parish from Barrow Street to Savanne Road.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

The resolution was read by title. Senator B. Gautreaux moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Lentini
Amedee	Fontenot	Malone
Barham	Gautreaux, B	Marionneaux
Boasso	Gautreaux, N	McPherson
Cain	Hainkel	Michot
Chaisson	Heitmeier	Mount
Cheek	Holden	Nevers
Cravins	Hollis	Romero
Dardenne	Irons	Schedler
Duplessis	Jackson	Smith
Dupre	Jones	Theunissen
Ellington	Kostelka	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Adley	Bajoie	Boissiere
Total—3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**HOUSE BILL NO. 471—**

BY REPRESENTATIVE MURRAY

**AN ACT**

To amend and reenact R.S. 47:2110(A)(2)(i), relative to the ad valorem tax; to provide for the timely payment of taxes paid under protest; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Irons sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Irons to Reengrossed House Bill No. 471 by Representative Murray

**AMENDMENT NO. 1**

On page 1, line 9, after “due” insert “or the enforcement of any provision of the tax law in relation thereto.”

On motion of Senator Irons, the amendments were adopted.

The bill was read by title. Senator Irons moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—37		

**NAYS**

Total—0

**ABSENT**

Adley	Boissiere
Total—2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 593—**

BY REPRESENTATIVES ALARIO AND SALTER AND SENATORS HEITMEIER AND HINES

**AN ACT**

To amend and reenact R.S. 39:1537(6), relative to the risk management program; to eliminate the requirement for submission of a yearly cost comparison between commercial and self-insurance lines of coverage; to provide for inclusion of certain data comparisons in the annual report; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Heitmeier moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers

Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Bajoie	Boissiere
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 880—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1522, relative to the Department of Revenue; to authorize the secretary to enter into contracts to conduct alternative dispute resolution to assist in the collection of any taxes, penalties, or interest due; to limit the total tax liability subject to arbitration or mediation to five million dollars; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Mount moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Bajoie	Boissiere
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1115—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1606, relative to the Department of Revenue; to authorize the Department of Revenue to assess a distraint cost penalty; to provide for an effective date; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Duplessis sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Duplessis to Reengrossed House Bill No. 1115 by Representative Hammett

AMENDMENT NO. 1

In Senate Committee Amendment No. 2, proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 18, 2004, delete line 5, and insert: "provided that the amount"

On motion of Senator Duplessis, the amendments were adopted.

The bill was read by title. Senator Duplessis moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Hainkel	Mount
Chaisson	Holden	Nevers
Cheek	Hollis	Romero
Cravins	Irons	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Total—33		

NAYS

Cain	Gautreaux, N	Malone
Total—3		

ABSENT

Adley	Boissiere	Heitmeier
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Duplessis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1472—**

BY REPRESENTATIVE MURRAY

**AN ACT**

To amend and reenact R.S. 35:281, relative to the certain filings with the board of assessors in Orleans Parish; to require taxpayers to notify the board of change; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

**NAYS**

Total—0

**ABSENT**

Boissiere  
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1575 (Substitute for HB No. 1219 by Representative Hammett)—**

BY REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact R.S. 47:1561.1(A), relative to the Department of Revenue; to authorize the Department of Revenue to assess certain costs in officer liability actions; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Mount moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	Mount
Amedee	Gautreaux, B	Nevers
Bajoie	Gautreaux, N	Romero
Chaisson	Holden	
Cheek	Jackson	
Total—16		

**NAYS**

Barham	Hainkel	Malone
Boasso	Heitmeier	Michot
Cain	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Kostelka	Theunissen
Fontenot	Lentini	Ullo
Total—18		

**ABSENT**

Boissiere	Fields	McPherson
Duplessis	Jones	
Total—5		

The Chair declared the bill failed to pass.

**Notice of Reconsideration**

Senator Mount, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, she would move to reconsider the vote by which the bill failed to pass.

**HOUSE BILL NO. 1696 (Substitute for House Bill No. 1303 by Representative Hammett)—**

BY REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact R.S. 47:1621(E) and 1624(A) and to enact R.S. 47:115(C), relative to refunds and credits; to provide for certain situations in which interest on refunds of overpayments will begin to accrue; to provide for the recovery of credits given for overpayments later deemed invalid; to provide for an effective date; and to provide for related matters.

On motion of Senator Mount, the bill was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 17—**

BY REPRESENTATIVE BOWLER

**AN ACT**

To amend and reenact R.S. 9:292, relative to the use of surnames by married persons; to provide for the use of a deceased spouse's surname; to provide for the use of a present spouse's surname; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Lentini
Amedee	Gautreaux, B	Malone
Cain	Gautreaux, N	Marionneaux
Chaisson	Heitmeier	McPherson
Cheek	Holden	Nevers
Cravins	Hollis	Schedler
Dardenne	Irons	Smith
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Total—27		

**NAYS**

Barham	Ellington	Kostelka
Boasso	Hainkel	Michot
Total—6		

**ABSENT**

Adley	Boissiere	Mount
Bajoie	Fontenot	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 19—**

BY REPRESENTATIVE SHEPHERD  
AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(3), relative to criminal verdicts; to add the crime of negligent homicide as a responsive verdict to the crime of second degree murder; and to provide for related matters.

On motion of Senator Fields, the bill was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 97—**

BY REPRESENTATIVE SALTER  
AN ACT

To enact Children's Code Article 815(E), relative to preadjudication custody of children; to provide with respect to the costs of such custody; to provide for the responsibility of bearing such costs; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

**NAYS**

Total—0

**ABSENT**

Mount  
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 119—**

BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, SHEPHERD, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

**AN ACT**

To amend and reenact R.S. 13:1444(7) and to enact R.S. 13:1444(8), relative to the civil jurisdiction of parish courts; to limit jurisdiction over suits filed under the Governmental Claims Act; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hainkel sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hainkel to Engrossed House Bill No. 119 by Representative Toomy

**AMENDMENT NO. 1**

On page 1, line 2, after "13:1444(8)" insert "and 5106(B)(4)"

**AMENDMENT NO. 2**

On page 1, line 3, between "limit" and "jurisdiction" insert "damages and"

**AMENDMENT NO. 3**

On page 1, line 6, after "R.S. 13:1444(8)" delete "is" and insert "5106(B)(4) are"

**AMENDMENT NO. 4**

On page 1, after line 17, insert the following:

"§5106. Limitations

\* \* \*



B.(1) \* \* \*

**(4) The provisions of Paragraph (B)(1) shall apply per injured victim, and the provisions of Paragraph (B)(2) shall apply per death victim.**

\* \* \*

#### AMENDMENT NO. 5

On page 2, after line 5, insert the following:

“Section 3. The provisions of this Act are intended to be interpretive and remedial in nature.”

Senator Hainkel moved adoption of the amendments.

Senator Marionneaux objected.

Senator Amedee asked for a ruling from the Chair as to whether the amendment was germane to the bill.

The Chair ruled that the amendment was germane to the bill.

#### **ROLL CALL**

The roll was called on the adoption of the amendment with the following result:

##### **YEAS**

Mr. President	Hainkel	Mount
Barham	Heitmeier	Nevers
Boasso	Hollis	Romero
Cheek	Kostelka	Schedler
Cravins	Lentini	Smith
Dardenne	Malone	Theunissen
Dupre	McPherson	Ullo
Ellington	Michot	
Total—23		

##### **NAYS**

Adley	Chaisson	Holden
Amedee	Duplessis	Irons
Bajoie	Fields	Jackson
Boissiere	Fontenot	Jones
Cain	Gautreaux, N	Marionneaux
Total—15		

##### **ABSENT**

Gautreaux, B  
Total—1

The Chair declared the amendments were adopted.

The bill was read by title. Senator Lentini moved final passage of the amended bill.

#### **ROLL CALL**

The roll was called with the following result:

##### **YEAS**

Mr. President	Dupre	Malone
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Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Romero
Cain	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Lentini	
Total—32		

##### **NAYS**

Bajoie	Gautreaux, N	Marionneaux
Chaisson	Holden	
Fields	Jones	
Total—7		

##### **ABSENT**

Total—0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### **HOUSE BILL NO. 121—**

BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, SHEPHERD, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO  
AN ACT

To amend and reenact R.S. 13:2561.2(A), 2561.4, 2562.2(A), and 2562.4, relative to parish courts; to limit the civil jurisdiction of the First and Second Parish Courts for Jefferson Parish; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

#### **ROLL CALL**

The roll was called with the following result:

##### **YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

##### **NAYS**

Total—0

##### **ABSENT**

Boissiere  
Total—2

Irons

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 132—**

BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 15:254.8, relative to compensation of off-duty law enforcement officers subpoenaed to testify in the mayor's court of Vinton; to require the clerk of the town of Vinton to pay witness fees when off-duty law enforcement officers are subpoenaed to testify; to provide for certification requirements; to provide for maximum allowable fees; and to provide for related matters.

The bill was read by title. Senator Cain moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total—35		

**NAYS**

Total—0

**ABSENT**

Gautreaux, B

Irons

Hainkel  
Total—4

Jackson

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 155—**

BY REPRESENTATIVES MARTINY, ANSARDI, DAMICO, LANCASTER, SCALISE, TOOMY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 15:705(A)(2), relative to food and clothing provisions for prisoners; to provide with respect to

reimbursement from an inmate for certain expenses associated with incarceration; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Lentini	Ullo
Total—33		

**NAYS**

Fields  
Total—2

Kostelka

**ABSENT**

Bajoie  
Chaisson  
Total—4

Hainkel  
Irons

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Boissiere asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 103—**

BY SENATOR MCPHERSON

A RESOLUTION

To urge and request the President of the United States to cease the purchasing or transferring of oil for the United States Strategic Petroleum Reserve while oil prices are at record highs.

On motion of Senator McPherson, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 135—**  
BY SENATOR MICHOT

**A CONCURRENT RESOLUTION**

To continue the special committee created by Senate Concurrent Resolution No. 21 of the 2003 Regular Session to study and develop recommendations for standards and records management technologies for clerks of court's offices and to provide relative to the committee membership.

The resolution was read by title. Senator Michot moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

**NAYS**

Total—0

**ABSENT**

Cravins	Hainkel
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

June 1, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 133—**  
BY SENATOR HINES

**A CONCURRENT RESOLUTION**

To proclaim June 3, 2004 as "Louisiana Senior Day".

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**JUDICIARY A**

Senator Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

June 1, 2004

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 93—**  
BY SENATOR FIELDS

**A CONCURRENT RESOLUTION**

To the Senate Committee on Judiciary A and the House Committee on Judiciary to meet and to function as a joint committee to study all aspects of increasing the number of judges of the First Circuit Court of Appeal, supreme court districts, and associate justices.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 134—**  
BY REPRESENTATIVE DANIEL

**A CONCURRENT RESOLUTION**

To express the intent of the Louisiana Legislature in the passage of Act No. 715 of the 2003 Regular Session relative to the retroactive effects on the ownership of improvements, including abandoned oil casings and facilities placed by a lessee or another third party on the land of another.

Reported favorably.

**HOUSE BILL NO. 148—**  
BY REPRESENTATIVES GALLOT AND MURRAY  
**AN ACT**

To amend and reenact Code of Civil Procedure Article 1443, relative to the taking of depositions; to provide for the manner of objections and the conduct of counsel; to specify when a deponent may be instructed not to answer; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 252—**

BY REPRESENTATIVES BROOME, BOWLER, ALEXANDER,  
ANSARDI, JOHNS AND WALKER AND SENATORS HAINKEL AND  
SCHEDLER

**AN ACT**

To enact Part II of Chapter 2 of Code Title IV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:293 through 298, and R.S. 9:307(C) and (D), relative to covenant marriage; to provide for applicable law; to provide for incidents of marriage; to provide for obligations; to provide for rights and duties; to provide for counseling; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 613—**

BY REPRESENTATIVE HEBERT (BY REQUEST)

**AN ACT**

To enact R.S. 9:346 through 348, relative to visitation rights; to provide relative to intentional violations of court orders; to provide relative to public interaction with a child; to provide relative to parenting interference; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 622—**

BY REPRESENTATIVE HEBERT

**AN ACT**

To enact R.S. 13:4611(1)(e)(iv) and (f) and Children's Code Article 1509(E)(4) and (F), relative to penalties for contempt of court; to authorize the court to award attorney fees; to provide for the modification of an order; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1097—**

BY REPRESENTATIVES WALKER AND ANSARDI

**AN ACT**

To amend and reenact R.S. 9:2798.4(A)(1), relative to liability of the state, a state agency, or political subdivision or any person for injuries sustained by an intoxicated operator of a motor vehicle, aircraft, watercraft, or vessel; to provide for the blood alcohol level of the operator; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1477 (Substitute for House Bill No. 1383 by Representative Townsend)—**

BY REPRESENTATIVES RICHMOND, TOWNSEND, DORSEY,  
MURRAY, AND SHEPHERD

**AN ACT**

To enact R.S. 13:1568.3, relative to special divisions of juvenile courts; to provide for divisions of court to have special jurisdiction over child in need of care proceedings; to provide for divisions of court to have special jurisdiction over delinquency proceedings; to provide for applicability to juvenile courts in certain parishes; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1480—**

BY REPRESENTATIVE FRITH

**AN ACT**

To enact R.S. 9:1254, relative to certain enclosed estates; to provide for the right and servitude of passage on certain waterways; to provide for alternate waterways; to provide for applicability; to provide for clarification of existing law; to provide for application; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1681—**

BY REPRESENTATIVES TRAHAN, ALEXANDER, JOHNS,  
ROBIDEAUX, AND WALKER

**AN ACT**

To amend and reenact R.S. 9:2799.5(B)(3), relative to limitations of liability; to provide for the screening and determination of eligibility by a community health care clinic or community pharmacy; to authorize the arrangement of health care services; to provide assistance for enrollment; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Wednesday, June 2, 2004, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Wednesday, June 2, 2004.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk

